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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **OAKLAND**

19 JH KELLY, LLC

20 Plaintiff,

21 vs.

22 AECOM TECHNICAL SERVICES, INC., et al.

23 Defendant.

Case No. 4:20-cv-05381-HSG (Lead Case)

(Reference withdrawn from Bankruptcy Case No. 19-30088, Adv. Proc. No. 20-03019 and Adv. Proc. No. 19-03008)

(Consolidated with Case No. 3:20-cv-08463-EMC)

25 **[PROPOSED] ORDER ON**
26 **STIPULATED REQUEST TO**
27 **MODIFY BRIEFING SCHEDULE ON**
28 **PG&E'S MOTION TO**
DISMISS/STRIKE RE: AECOM'S
SECOND AMENDED COUNTER-
CLAIM [DKT NO. 67]

1 Pursuant to Civil L.R. 6-2, AECOM Technical Services (“AECOM”), and Pacific Gas and
2 Electric Company (“PG&E”) (collectively, the “Parties”) jointly seek an order of the Court to
3 modify the briefing schedule for PG&E’s Motion to Dismiss/Strike re: AECOM’s Second
4 Amended Counterclaim.

5 The Parties, through their respective counsel, stipulate as follows:

6 WHEREAS, on August 10, 2021, PG&E filed its Motion to Dismiss/Strike re: AECOM’s
7 Second Amended Counterclaim [Dkt. No. 67], setting a hearing date of November 18, 2021;

8 WHEREAS, on August 17, 2021, the hearing date of PG&E’s Motion to Dismiss/Strike re:
9 AECOM’s Second Amended Counterclaim [Dkt. No. 67] was reset to November 4, 2021;

10 WHEREAS, per the Federal Rules of Civil Procedure, the last day for AECOM to file
11 AECOM’s Response to PG&E’s Motion to Dismiss/Strike re: AECOM’s Second Amended
12 Counterclaim is August 23, 2021;

13 WHEREAS, per the Federal Rules of Civil Procedure, the last day for PG&E to file
14 PG&E’s Reply to AECOM’s Response to PG&E’s Motion to Dismiss/Strike re: AECOM’s
15 Second Amended Counterclaim is August 30, 2021;

16 WHEREAS, the Parties wish to focus their time and resources on discovery and
17 depositions in the coming months;

18 WHEREAS, there have been no previous time modifications in this case related to
19 PG&E’s Motion to Dismiss/Strike re: AECOM’s Second Amended Counterclaim, but there have
20 been three (3) other brief time modifications in the case by stipulation of the Parties;

21 WHEREAS, the reason for requesting the enlargement of time related to PG&E’s Motion
22 to Dismiss/Strike re: AECOM’s Second Amended Counterclaim is so that the Parties may
23 conserve resources and time to focus on key depositions of witnesses related to the Parties’
24 claims;

25 WHEREAS, the requested time modification will not impact the schedule for the case.

26 NOW THEREFORE, in consideration of the foregoing, the Parties, by and through their
27 respective counsel, hereby STIPULATE and AGREE as follows:

1 1. AECOM's deadline to file its Response to PG&E's Motion to Dismiss/Strike re:
2 AECOM's Second Amended Counterclaim is continued from August 23, 2021 to September 17,
3 2021;

4 2. PG&E's deadline to file its Reply to AECOM's Response to PG&E's Motion to
5 Dismiss is continued from August 30, 2021 to October 1, 2021;

6 3. The hearing date for PG&E's Motion to Dismiss shall remain on November 4, 2021.

7 4. By entering into this Stipulation, the Parties do not waive, and expressly preserve any
8 and all rights and defenses.

9
10 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

11
12 DATED: _____, 2021

13 By: _____
14 HAYWOOD S. GILLIAM, JR.
15 United States District Judge
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